

**FILED**

DECEMBER 9, 1983

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

LABUE, MANDEL & FARBER, P.A.  
Eighty Main Street  
West Orange, New Jersey 07052  
(201) 731-3838  
Attorneys for Andrew M. Rodgers, D.C.

IN THE MATTER OF THE	:	STATE OF NEW JERSEY
SUSPENSION OR REVOCATION	:	DEPARTMENT OF LAW & PUBLIC
OF THE LICENSE OF	:	DIVISION OF CONSUMER AFFAIRS
ANDREW M. RODGERS, D.C.	:	STATE BOARD OF MEDICAL
LICENSE NO. 1411	:	DOCKET NO. H83-5129
TO PRACTICE CHIROPRACTIC	:	
IN THE STATE OF NEW JERSEY	:	REQUEST FOR HEARING
	:	AND ANSWER

Andrew M. Rodgers, D.C., with offices at 188 Speedwell Avenue, Morristown, New Jersey in answer to the complaint of Irwin I. Kimmelman, Attorney General of New Jersey, by Joan D. Gelber, Deputy Attorney General states that:

COUNT I

1. The allegations of Paragraphs 1 and 2 are neither admitted nor denied since they call for legal opinions and conclusions which respondent is unqualified to make; however, on the advice of counsel, these allegations are not in issue.

2. The allegations of Paragraph 3 are admitted.

3. Respondent admits that 1981 and 1982 he submitted claims for performance of x-rays on patients to Blue Shield of New Jersey; respondent is without knowledge as to whether such claims are in their aggregate to be considered as numerous.

4. Respondent admits that on or about March 23, 1982 Blue Cross requested as part of the New Jersey Blue Cross-Blue Shield utilization review program to review his office records, and x-rays of seven (7) patients, five (5) which appear on Schedule A. Such request was allegedly made to "assure accuracy of billing". In conjunction therewith respondent admits providing, without prejudice, such records or access thereto, together with fourteen (14) x-rays. The remaining allegations of Paragraph 5 are denied.

5. The allegations of Paragraph 6 are denied.

#### COUNT II

1. Respondent repeats the answers to the allegations of Count I as if set forth in their entirety.

2. Respondent admits submitting bills for x-rays in 1981 and 1982 to Blue Shield of New Jersey for certain patients, but under these circumstances can neither admit nor deny whether each of the fourteen (14) patients in Schedule A are involved. The remaining allegations in Paragraph 2 are denied.

3. The allegations in Paragraphs 3 and 4 are denied.

COUNT III

1. Respondent repeats his answers to Counts I and II in their entirety.

2. Respondent refers to the specific language of N.J.A.C. 13:35-6.12 in response to the allegation in Paragraph 2.

3. Respondent admits that he has been a participating provider with New Jersey Blue Cross-Blue Shield.

4. Respondent admits that on or about April 18, 1983 Blue Shield sent a written request for access to records and information for additional patients; he denies the remaining allegations of this paragraph.

5. Respondent admits that on or about May 3, 1983 Blue Shield was advised that without prejudice it could on May 18, 1983 have its representative review the records requested, in the presence of and in coordination Dr. Rodgers, personally.

6. The allegations of Paragraphs 6 through 8 are denied.

COUNT IV

1. The Respondent, in answer to Paragraph 1, refers to N.J.S.A. 45:1-14 et. seq.

2. The allegations of Paragraphs 2 and 3 are denied.

COUNT V

1. Respondent admits undertaking to provide chiropractic care to F.L. Sr. and submitting bills for kinesiological examinations.

2. The allegations of Paragraph 2 are denied.

3. Respondent admits undertaking to provide chiropractic care to F.L. Jr. and submitting bills for kinesiological examinations and x-rays. He denies all other allegations in Paragraph 3 and denies all allegations in Paragraphs 4 and 5.

COUNT VI

1. The allegations in Paragraphs 1 and 2 are denied.

COUNT VII

1. The material allegations in Paragraph 1 are denied.

2. The allegations of Paragraph 2 are denied.

3. The material allegations of Paragraph 3 are denied.

4. The allegations of Paragraph 4 are denied.

WHEREFORE, respondent, Andrew M. Rodgers, D.C. demands judgment dismissing the Complaint with costs, and demands such further relief as shall be just and appropriate.

  
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ANTHONY F. LABUE

December 6, 1983

DEMAND FOR HEARING

Respondent, Andrew M. Rodgers, D.C. hereby requests a Plenary Hearing with respect to all allegations contained in the Complaint.

  
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ANTHONY F. LABUE

December 6, 1983